

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ERIC BAHE et al

Plaintiff(s)

v.

CIVIL ACTION

NO. 04-11195-MLW

FRANKLIN/TEMPLETON DISTRIBUTORS

Defendant(s)

SCHEDULING ORDER

WOLF, D.J.

This case is governed procedurally by the 1992 Amendments to the Local Rules of the United States District Court for the District of Massachusetts (the "Local Rules"), which implement the District's Civil Justice Expense and Delay Reduction Plan. Counsel must, therefore, comply with the relevant Local Rules in the litigation of this case.

It is hereby ORDERED pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16(f) that:

[] 1. _____ shall respond to the Complaint by _____.

[] 2. Any proposed party who has not yet been served shall be served by_____. Counsel shall within 14 days thereafter file a return of service or a statement that service has not been accomplished and that the claims against the previously named proposed party shall be dismissed without prejudice.

[] 3. Any Motion to Amend the pleadings, or any Motion to File additional pleadings, shall be filed by_____, and responses shall be filed as required by the applicable provisions of the Federal Rules of Civil Procedure.

[X] 4. The parties shall by APRIL 22, 2005 make the automatic document disclosure required by Local Rule 26.2(A) and, if applicable, disclose the information required by Local Rule 35.1

[X] 5. The parties shall by APRIL 22, 2005 make the disclosure authorized by Local Rule 26.1(B) (1) and (2).

[] 6. All dispositive motions except motions for summary judgment shall be filed by _____ and responses shall be filed fourteen days thereafter pursuant to Local Rule 7.1.

[] 7. Discovery shall initially be limited to the issue(s) of _____, and shall be complete by _____.

[X] 8. Counsel for the parties shall meet at least once to explore the possibility of settlement and report to the court by SEPTEMBER 30, 2005 the status and prospects for settlement.

If the case is not settled, the parties shall report whether they wish to participate in mediation to be conducted by a magistrate judge or attorney on the Court's panel of mediators.

[] 9. A settlement conference, which must be attended by trial counsel with full settlement authority or with their clients, shall be held on _____, at _____.

[] 10. A status and case management conference will be held by Magistrate Judge _____ on a date to be scheduled by him in _____.

[X] 11. Plaintiff(s) and/or Counterclaim or Third Party Plaintiff(s) shall by NOVEMBER 30, 2005 designate experts and disclose the information described in Fed. R. Civ. P. 26(a)(2), concerning each expert. Each other party shall by JANUARY 20, 2006 designate expert(s) and disclose the information described in Fed. R. Civ. P. 26(a)(2).

[X] 12. All discovery shall be complete by MARCH 31, 2006.

[X] 13. Counsel for the parties shall confer and, by APRIL 28, 2006, file a report as to the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment.

[X] 14. A scheduling conference will be held on MAY 9, 2006 at 4:00 PM and must be attended by trial counsel with full settlement authority or with their client(s). If appropriate, a schedule for filing motions for summary judgment will be established at this conference.

[X] 15. A final pretrial conference will be held on MAY 31, 2006 at 4:00 PM and must be attended by trial counsel with full settlement authority or with their client. Counsel shall be prepared to commence trial as of the date of the final pretrial conference.

[X] 16. Trial shall commence on JUNE 5, 2006.

[] 17. This case is hereby referred to Magistrate Judge for all pretrial proceedings, including reports and recommendations concerning any dispositive motions.

All provisions and deadlines contained in this Order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the Court or upon the request of counsel.

By the Court,
DENNIS P. O'LEARY

March 21, 2005
Date

/s/ Dennis O'Leary
Deputy Clerk